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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
-----x
TVIIM, LLC, :
Plaintiff, : Case No.:
v. : 3:13-cv-04545-VC
McAFEE, INC., :
Defendant. :
-----x

CONFIDENTIAL - ATTORNEYS' EYES ONLY
Videotaped Deposition of PAUL LEON JONJAK
Denver, Colorado
Friday, September 12, 2014
10:03 a.m.

Job No.: 65410
Pages: 1 - 106
Reported by: MELANIE L. GIAMARCO

27

1 Q. What type of cell phone applications? 10:39:58

2 A. It was at the very beginning when either iPhone, or 10:40:00

3 any phone, if you were going to put an application on that 10:40:04

4 phone, this would help you to develop it more quickly than -- 10:40:06

5 there was a lot of trial and error in the early days, and this 10:40:11

6 gave you a lot of tools. Eventually, that technology's 10:40:13

7 incorporated in a product that Adobe puts out that I think is 10:40:19

8 called Device Central. 10:40:23

9 Q. And who is ThinkVillage Investments owned by? 10:40:25

10 A. It has a number of investors, individual investors. 10:40:29

11 Q. Do you know how many? 10:40:38

12 A. More than five, less than 15. 10:40:41

13 Q. And can you think of the names of any of those 10:40:45

14 individuals? 10:40:47

15 A. Myself, Curtis Vock, Dean Stevinson, Ralph 10:40:48

16 Eschenbach, John Rayfield, Rod -- now I'm getting a mental 10:40:53

17 blank of Rod's last name. 10:41:05

18 Q. Is it Thompson? 10:41:06

19 A. Yes, Rod Thompson. I think I've got all the main 10:41:08

20 ones. 10:41:15

21 Q. And what percentage interest do you have in 10:41:22

22 ThinkVillage Investments? 10:41:24

23 A. 16 percent. 10:41:25

24 Q. Do you know the percentage of any of the other 10:41:32

25 investors? 10:41:34

28

1	A.	Not exactly.	10:41:35
2	Q.	Approximately?	10:41:36
3	A.	I think Dean Stevinson is close to mine. I think	10:41:37
4		most of the rest are smaller.	10:41:48
5	Q.	And how much capital contribution have you made to	10:41:56
6		ThinkVillage Investments?	10:41:58
7	A.	I don't recall the exact amount. I would say, at	10:42:07
8		this point, it's more than \$300,000, less than a half million.	10:42:14
9	Q.	And have you received any money in return for your	10:42:24
10		investment in ThinkVillage?	10:42:29
11	A.	I don't remember. ThinkVillage Investments has	10:42:30
12		recovered money. And some of it we've rolled over, and I	10:42:42
13		don't remember if we've distributed any or not.	10:42:44
14	Q.	Do you recall when ThinkVillage Investments was	10:42:48
15		formed?	10:42:53
16	A.	No, not exactly.	10:42:53
17	Q.	Can you put a more-than/less-than time frame on it	10:43:05
18		for me?	10:43:10
19	A.	Five and ten.	10:43:10
20	Q.	So ThinkVillage Investments was formed sometime	10:43:12
21		between 2004 and 2009; does that sound accurate?	10:43:18
22	A.	I think it was in that time frame. If anything,	10:43:23
23		it'd probably be more towards the early than the later, but I	10:43:29
24		just don't remember exactly.	10:43:32
25	Q.	Now, you said that ThinkVillage Investments has had	10:43:34

29

1 some recoveries.

10:43:39

2 What recoveries has ThinkVillage Investments had?

10:43:41

3 A. The -- we've had recoveries in the Kerfoot case.

10:43:43

4 We've had recoveries in the case that involved the cell phone

10:43:49

5 application development. The name of that company's alluding

10:44:01

6 me. We've had recoveries in the Lead Relay case. I think

10:44:06

7 those three. In others, rather than recoveries, we've gone on

10:44:14

8 to create operating companies that we continue having interest

10:44:22

9 in.

10:44:32

10 Q. And when you say "recoveries," are you referring to

10:44:33

11 litigation settlements or recoveries through other means?

10:44:41

12 A. Those -- the recoveries I'm talking about are mostly

10:44:46

13 litigation settlements, but it feels like you're sort of going

10:44:48

14 down the wrong path a little bit, because ThinkVillage is

10:44:52

15 really about helping inventors realize value for their

10:44:56

16 creations. And we would much prefer to see that come in the

10:45:02

17 form of either developing an operating company or entering

10:45:05

18 into a relationship with a company that has the resources to

10:45:09

19 develop that.

10:45:12

20 Litigation's really a rather unsatisfactory outcome.

10:45:16

21 It's much nicer to be part of an operating company and have a

10:45:19

22 continuing ongoing success. That's where an inventor feels

10:45:24

23 like they've been successful, that they actually can see their

10:45:28

24 product in the marketplace and take pride in it. And

10:45:31

25 litigation's sort of disappointing because it means that

10:45:35

30

1	somebody else has done it instead of you. You know, they've	10:45:40
2	taken your idea and run away with it.	10:45:42
3	Q. Are any of the ThinkVillage investors inventors on	10:45:49
4	any of the patents that are held by the ThinkVillage entities?	10:46:03
5	A. Yes. Curtis Vock, for sure. I'm not sure of any of	10:46:06
6	the others -- well, my -- no, I wouldn't be on any of those.	10:46:19
7	No. Curtis Vock's the only one I'm sure of.	10:46:23
8	Q. In the Clean Chemistry/ThinkVillage entity, does the	10:46:25
9	inventor retain any interest?	10:46:40
10	A. Yes. The inventor has the greatest interest.	10:46:43
11	Q. And who's the inventor there?	10:46:46
12	A. His name is -- first name, Wayne. Don't remember	10:46:47
13	the last name.	10:46:54
14	Q. And do you recall his percentage interest?	10:46:56
15	A. It's approximately half.	10:46:58
16	Q. And in Opti-Enz, does the inventor retain any	10:47:03
17	interest in --	10:47:08
18	A. In that case, the inventor was CSU, Colorado State	10:47:10
19	University. And they have a very large equity interest. I	10:47:18
20	don't recall if it's more than half or not.	10:47:21
21	Q. Okay. And in TV-Kerfoot, does the inventor retain	10:47:25
22	any interest?	10:47:31
23	A. Again, I think they're approximately half.	10:47:32
24	Q. In the Ball Tracking entity, does the inventor	10:47:37
25	retain any interest?	10:47:41

31

1	A. Yes. And multiple inventors there, and I don't	10:47:44
2	recall the interests in each of them.	10:47:51
3	Q. And in the Lead Relay entity, does the inventor	10:47:52
4	retain any interest?	10:47:55
5	A. No.	10:47:55
6	Q. And the TV Tether entity, does the inventor retain	10:47:56
7	any interest?	10:48:00
8	A. I believe so, but I'm not sure.	10:48:03
9	Q. In TVIIM, LLC, does the inventor retain any	10:48:05
10	interest?	10:48:12
11	A. The operating agreement would disclose that.	10:48:12
12	Q. In the cell phone applications entity, does the	10:48:14
13	inventor retain any interest?	10:48:22
14	A. He now has all the patents.	10:48:23
15	Q. I'm sorry?	10:48:26
16	A. He now has all the patents.	10:48:26
17	Q. So ThinkVillage Investments has divested itself of	10:48:32
18	the patents that related to the cell phone applications; is	10:48:34
19	that correct?	10:48:37
20	A. That's correct.	10:48:37
21	Q. Has ThinkVillage Investments generated any income	10:48:50
22	apart from litigation recoveries?	10:48:56
23	A. The answer is yes, but, in general, income's been	10:48:57
24	rolled back into the operating entities.	10:49:10
25	Q. Over the years, do you have a sense for the	10:49:11

32

1 aggregate amount of income that ThinkVillage Investments has
2 generated?

10:49:14

10:49:17

3 MR. SHAEFFER: Just that entity alone or the
4 operating entities -- or the LLCs that were created out of it?

10:49:21

10:49:23

5 Q. (By Ms. Prescott) So my question was with respect
6 to ThinkVillage Investments.

10:49:29

10:49:31

7 A. Total revenues realized by ThinkVillage Investments
8 itself?

10:49:39

10:49:41

9 Q. Correct.

10:49:44

10 A. More than a million, less than five million.

10:49:55

11 Q. Okay. And if you think about all the ThinkVillage
12 entities that are related to each other over the course of
13 their history, how much revenue have they generated?

10:49:57

10:50:05

10:50:11

14 A. The entities, okay. Between \$2 and \$10 million.

10:50:14

15 Q. And approximately what percentage of that income has
16 come from litigation settlements?

10:50:42

10:50:54

17 A. More than half.

10:50:55

18 Q. So it's been more than 75 percent?

10:50:59

19 A. It could be. However, I don't -- it's a little
20 misleading, because in terms of ThinkVillage's assets, I
21 personally think its greatest assets are its continuing
22 interest in its operating companies.

10:51:07

10:51:10

10:51:16

10:51:18

23 Q. So of the two to ten million dollars that the
24 ThinkVillage entities have generated in income, what other
25 sources of income has it had besides litigation settlements?

10:51:21

10:51:28

10:51:31

33

1	A. The Clean Chemistry is generating operating revenues	10:51:35
2	and the Opti-Enz has some operating revenues. I don't --	10:51:50
3	well, wait a minute. You said litigation settlements?	10:51:55
4	Q. Correct.	10:51:57
5	A. Yeah, there's also been some licensing deals, so	10:51:57
6	those are the three primary areas of income other than	10:52:05
7	litigation.	10:52:08
8	Q. Okay. So of all the ThinkVillage-related entities,	10:52:10
9	there's been three sources -- primary sources of income:	10:52:15
10	litigation settlements, licensing, and operating revenues from	10:52:19
11	Clean Chemistry, and Opti-Enz?	10:52:24
12	A. Yeah. I would also say sale of IP as well.	10:52:27
13	Q. How much income has the sale of IP generated?	10:52:37
14	A. I don't really recall, because some of the	10:53:00
15	transactions involve licensing, some involve sale, and I don't	10:53:07
16	remember which are which right offhand. I just wanted to	10:53:09
17	confirm that sometimes it was sold.	10:53:13
18	Q. Okay. Taking the combination of revenue that was	10:53:15
19	generated from licensing and sales, approximately how much	10:53:19
20	money has that been?	10:53:22
21	A. From licensing and sales?	10:53:22
22	Q. Correct.	10:53:26
23	A. Aside from litigation?	10:53:27
24	Q. Correct.	10:53:28
25	A. More than \$100,000, less than a half million.	10:53:44

38

1 Q. So you are not familiar with the technology to which 11:01:03
2 the patents that TV -- I'm sorry. 11:01:05

3 You're not familiar with the technology that the 11:01:08
4 patents that ThinkVillage IP Holding, LLC -- 11:01:11

5 MR. SHAEFFER: Misstates his testimony. 11:01:17

6 Q. (By Ms. Prescott) Are you familiar with the patents 11:01:21
7 that ThinkVillage IP Holding, LLC holds? 11:01:22

8 A. I could not make a list of those patents for you. 11:01:25
9 What I believe they are is that ThinkVillage Corporation has a 11:01:29
10 working relationship with a number of universities to help 11:01:34
11 them license their technology. And I believe that a number of 11:01:38
12 those patents are being held that come from the universities. 11:01:44
13 Typically, the university never relinquishes ownership of the 11:01:48
14 patent. However, it will give you the opportunity to license 11:01:52
15 those patents. And I believe that's mostly what's within 11:01:55
16 ThinkVillage IP. 11:02:02

17 Q. Are you familiar with an entity ThinkVillage-Kiwi? 11:02:02

18 A. Kiwi? Oh, that's the one that was the application 11:02:15
19 development, the software application development. Thank you 11:02:19
20 for finding the name. I had lost it. 11:02:24

21 Q. Are you familiar with an entity, ThinkVillage MIP, 11:02:25
22 LLC? 11:02:30

23 A. Say it again. 11:02:35

24 Q. ThinkVillage M, as in Mary, IP, LLC. 11:02:36

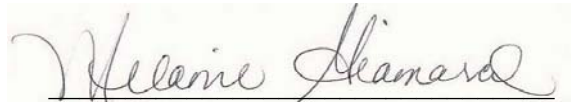
25 A. I don't remember the name. I would know the 11:02:45

REPORTER'S CERTIFICATE

I, Melanie Giamarco, the reporter before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested and; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal 23rd day of September, 2014.

My Commission expires August 25, 2017.



Melanie Giamarco

Registered Professional Reporter

Registered Merit Reporter

Certified Realtime Reporter

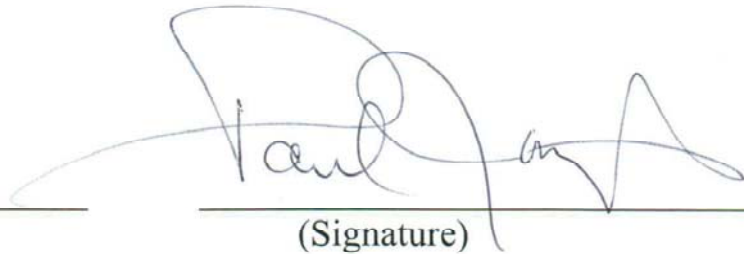
Deposition of Paul Jonjak, 30(B)(6)
Date: January 6, 2015
Caption: *TVIIM, LLC v. McAfee, Inc.*

ACKNOWLEDGMENT OF DEPONENT

I, Paul Jonjak, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet.

1/25/15

(Date)



(Signature)

Deposition of Paul Jonjak, 30(B)(6)

Date: January 6, 2015

Caption: TVIIM, LLC v. McAfee, Inc.

Page	Line(s)	Correction/Change and Reason
48	18	\$150,000 should be \$10,000 -
		ATTORNEY MISQUOTED LANGUAGE
		OF OPERATING AGREEMENT